

ZACHARY D. ANGULO, Bar No. 339743
KRISTINA L. HILLMAN, Bar No. 208599
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1375 55th Street
Emeryville, California 94608
Telephone (510) 337-1001
Fax (510) 337-1023
E-Mail: courtnotices@unionsounsel.net
zangulo@unioncounsel.net
khillman@unioncounsel.net

Attorneys for Plaintiffs

DENNIS M. BROWN, Bar No. 126575
NICHOLAS LANSDOWN, Bar No. 312915
LITTLER MENDELSON P.C.
50 W. San Fernando
7th Floor
San Jose, California 95113
Telephone (408) 998-4150
Fax (408) 288-5686
E-Mail: dmbrown@littler.com
nlandown@littler.com

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their
capacities as Trustees of the
LABORERS HEALTH AND
WELFARE TRUST FUND FOR
NORTHERN CALIFORNIA, et al.,

Plaintiffs,

v.

FOUR M'S CONSTRUCTION &
BACKHOE, INC., a California
corporation,

Defendant.

No. 4:22-cv-00872-DMR

**JOINT STIPULATION TO
EXTEND TIME FOR
PRIVATE MEDIATION
AND CONTINUE
FURTHER CASE
MANAGEMENT
CONFERENCE; ORDER**

1 Pursuant to Local Rule 6-3, Plaintiffs THE BOARD OF TRUSTEES and
2 Defendant FOUR M'S CONSTRUCTION & BACKHOE, INC. (collectively, the
3 "Parties") through their respective attorney of record hereby jointly stipulate as
4 follows:

5 WHEREAS, the Court set a mandatory ADR completion date of March 31,
6 2023.

7 WHEREAS, the Parties have worked diligently and cooperative to prepare
8 for mediation, but more time is needed to exchange the information and documents
9 needed to participate in a meaningful attempt at ADR.

10 WHEREAS, the Parties are conferring over possible mediators but have been
11 unable to exchange the necessary information and documents and schedule a
12 mediator prior to the ADR completion date.

13 WHEREAS, given the intent to pursue mediation and the resulting prospect
14 of resolving the case, the Parties agree to continue the ADR completion date of
15 March 31, 2023 to May 31, 2023, or a date thereafter that is convenient for the
16 Court.

17 WHEREAS, the Parties have not previously requested, and the Court has not
18 granted, an extension of the private mediation deadline. The only prior time
19 modifications by Court order or stipulation in this case have concerned the initial
20 Case Management Conference held on November 16, 2022. (See Dkt. Nos. 16,
21 18, 24.)

22 WHEREAS, given the Parties' request to extend the mediation deadline to
23 May 31, 2023, and the resulting prospect of resolving the case, the parties agree to
24 continue the Case Management Conference scheduled for April 19, 2023, to June 7,
25 2023, or a date thereafter that is convenient for the Court.

26 The Proposed Order pursuant to this Joint Stipulation would otherwise have
27 no effect on the schedule for this case.
28

Based on the foregoing, the parties hereby respectfully request the following:

1. The ADR completion date of March 31, 2023 be continued to May 31, 2023, or a date thereafter that is convenient for the Court.

2. The Case Management Conference currently scheduled for April 19, 2023, be continued to June 7, 2023, or a date thereafter that is convenient for the Court.

3. That the deadline to file a Joint Case Management Statement pursuant to Civ. L.R. 16-10(d) be continued to May 31, 2023 [alternatively, six (6) days prior to the date of the continued Case Management Conference or _____, 2023.]

Dated: March 27, 2023

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ ZACHARY D. ANGULO
ZACHARY D. ANGULO
Attorneys for Defendant

Dated: March 27, 2023

LITTLER MENDELSON
A Professional Corporation

By: /s/ Nicholas Lansdown
DENNIS BROWN
NICHOLAS LANSDOWN
Attorneys for Defendant

SIGNATURE ATTESTATION

I hereby attest that I have obtained the concurrence of counsel for the filing of this Joint Stipulation to Extend Time to Mediate.

/s/ Zachary D. Angulo
ZACHARY D. ANGULO

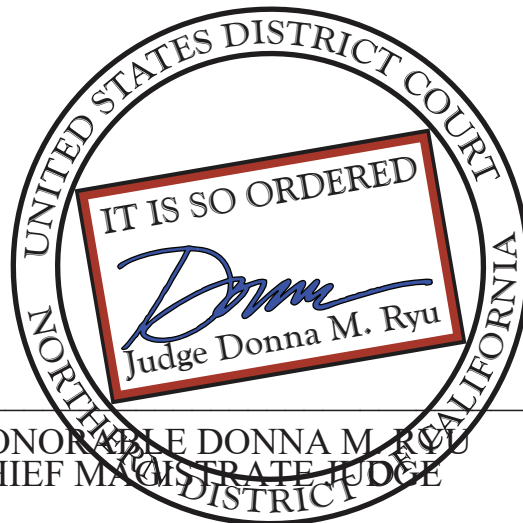
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ORDER

BASED ON THE JOINT STIPULATION OF THE PARTIES, AND GOOD CASE APPEARING THEREFORE:

IT IS HEREBY ORDERED that the ADR completion date of March 31, 2023, be continued to May 31, 2023. Additionally, that the Further Case Management Conference currently scheduled for April 19, 2023 at 1:30 p.m., shall be continued to June 7, 2023 at 1:30 p.m. in Oakland, by Videoconference only. The Parties shall file an updated Joint Case Management Statement pursuant to Civ. L.R. 16-10(d) on or before May 31, 2023.

Dated: March 27, 2023



HONORABLE DONNA M. RYU
CHIEF MAGISTRATE JUDGE